

### **REMARKS**

Applicants' attorney thanks the Examiner for his remarks in this Patent Application. Applicants respectfully request reconsideration of this Patent Application. Independent Claims 1, 18, and 19 have been amended to recite the polyester is selected from the group consisting of polyethylene naphthalate, polyethylene isophthalate, and combinations thereof, according to Claims 7 and 8, for example. Independent Claim 26 has been amended to recite the polyester has an intrinsic viscosity of 0.7-1.2 deciliters/gram, according to Claim 9, for example. Independent Claims 1, 18, 19, 26 have been further amended to delete the strapping does not longitudinally split under tension and has low stretchability. Claim 1 has been amended to recite 99.5-99.8% by weight polyester and 0.2-0.5% by weight of the one or more polyolefins, according to Claim 4, for example. Claim 19 has been amended to recite 0.2-0.5% by weight of the one or more polyolefins, according to Claim 4, for example.

Claims 2-8 have been canceled. Claim 16 has been amended for consistency with Claim 1 from which it depends. New Claims 31-33 have been added reciting the polyester has an intrinsic viscosity of 0.7-1.2 deciliters/gram, according to Claim 9, for example. New Claim 34 has been added reciting the polyester is selected from the group consisting of polyethylene naphthalate, polyethylene isophthalate, and combinations thereof, according to Claims 7 and 8, for example.

The Office Action on page 6, section 8 rejects Claim 14 based on Perez in view of Steinkamp. The Office Action then states "Hughes does not disclose ...." Applicants are unclear which art is being applied to Claim 14. The Office Action on page 9 indicates that the previous rejections based on Hughes are moot. Accordingly, Applicants respectfully request a notice of allowability regarding Claim 14, since there is not a clear basis for rejection.

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Alternately, Applicants request withdraw of the final and reopening prosecution to enter this amendment and a new proper rejection of Claim 14 in a non-final Office Action.

No new matter has been added with this amendment. No additional claim fee is required with this amendment, since the number of independent claims and the total number of claims remains less than previously paid for.

### **Telephone Interview Summary**

Applicants' attorney, John Poliak, thanks Examiner Ferguson for his time and comments in the telephone interview on July 28, 2008 in this Patent Application. Proposed claim language was discussed in context of the rejections of the final Office Action. The Examiner indicated that removing the rejected phrases would likely overcome the indefiniteness rejections. Applicants proposed a range of polyolefins that is nonoverlapping and nonadjacent with the cited references.

Applicants also proposed narrowing the independent claims with materials not disclosed in the Perez reference. The Examiner indicated that the proposed limitations may overcome the anticipation rejection. Applicants stated that the woven fabric of Nishimura would not be used to modify Perez to arrive at the recited claims of polyester strapping (extruded). The Applicants also stated Perez does not teach or suggest Applicants' recited nonoverlapping and nonadjacent and range of intrinsic viscosities. The Examiner indicated that an additional review of the limitations and the cited references may be made regarding the obviousness rejections.

### **Claim Rejection under 37 C.F.R. 112**

The rejection of Claims 1-12 and 14-30 as being indefinite for "the strapping does not longitudinally split under tension" and has "low stretchability", is respectfully traversed. Applicants have deleted these rejected

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phrases from independent Claims 1, 18-19 and 26 rendering this rejection moot.

**Claim Rejections under 35 U.S.C. § 102(b)**

The rejection of Claims 1-6, 9-10, 12, 15-17 and 29-30 under 35 U.S.C. § 102(b) as being anticipated by Perez, U.S. Patent 6,331,343, is respectfully traversed. Anticipation requires disclosure of each and every claim element. (MPEP § 2131).

Independent Claims 1 and 26 recite a strapping comprising a polyester selected from the group consisting of polyethylene naphthalate, polyethylene isophthalate and combinations thereof. Perez does not disclose polyethylene naphthalate or polyethylene isophthalate. Accordingly, there is no anticipation of these polyesters and therefore no anticipation of these claims.

Furthermore, Perez discloses the second polymer can vary widely from 99:1 (col. 4, lines 46-56). Applicants' recited range for the polyolefin is 0.2-0.5% by weight in Claim 1. Put another way, Applicants range is nonadjacent and nonoverlapping with the range disclosed in Perez. Accordingly there is no anticipation of these ranges and therefore no anticipation of these claims.

Regarding Claims 9, 26 and 31-33 (new), the Office Action on page 3 states it is inherent for the polyester of Perez to have the intrinsic viscosity of Claim 9. Perez actually discloses an intrinsic viscosity of 0.58 dL/g (col. 20, lines 12-15). In contrast Applicants' recited intrinsic viscosity includes 0.7-1.2 deciliters/gram. Accordingly there is no anticipation of this range and therefore no anticipation of this claim.

For at least the reasons above there is no anticipation of the recited claims. Accordingly, this claim rejection should be withdrawn.

**Claim Rejection under 35 U.S.C. § 103(a)**

**a) Perez in view of Nishimura**

The rejection of Claims 7-8 under 35 U.S.C. § 103(a) as being obvious over Perez in view of Nishimura, U.S. Patent 5,607,183, is respectfully traversed. Claims 7-8 depend from Claim 1 and are patentable for at least the reasons discussed above.

Perez discloses and an oriented film made from a semicrystalline polymer in an immiscible mixture (col. 2, lines 62-63). The void initiating component is chosen to be immiscible in the semicrystalline component (col. 3, lines 52-53). As discussed above, Perez does not teach or suggest all the recited limitations. Perez does not teach or suggest polyethylene naphthalate, or polyethylene isophthalate. Furthermore, Perez does not teach or suggest the recited nonadjacent and nonoverlapping polyolefin range of 0.2-0.5% by weight.

Nishimura does not overcome the gaps of Perez to arrive at Applicants' claimed invention. Nishimura is cited for allegedly disclosing polybutylene terephthalate, polyethylene naphthalate and polyethylene isophthalate. Nishimura actually discloses an air bag with reinforcing straps. Nishimura teaches the use of polyester woven fabric from multifilament yarns (col. 14, lines 37-38). Spinning yarn and then weaving cloth is an expensive and time consuming process. In contrast, Applicants' strapping is made by a much simpler process of extruding the polyester with the polyolefin and then stretching (see, page 6, line 18 to page 8, line 31).

There is no suggestion or motivation in Perez and/or Nishimura that based on the woven fabric of Nishimura that the oriented film of Perez can be modified with polyethylene naphthalate and/or polyethylene isophthalate to arrive at Applicants' claimed invention.

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For at least the above reasons, Perez and Nishimura, in combination, do not teach or suggest Applicants' claimed invention. Accordingly, this claim rejection should be withdrawn.

**b) Perez in view of Maugans**

The rejection of Claim 11 under 35 U.S.C. § 103(a) as being obvious over Perez in view of Maugans, U.S. Patent 6,270,891, is respectfully traversed. Claim 11 depends from independent Claim 1 and is patentable for at least the reasons discussed above.

Maugans does not overcome the gaps of Perez to arrive at Applicants' claimed invention. Maugans is cited for allegedly disclosing a branched linear low density polyethylene. Maugans actually discloses an ethylene polymer having seal performance.

For at least the above reasons, Perez and Maugans, in combination, do not teach or suggest Applicants' claimed invention. Accordingly, this claim rejection should be withdrawn.

**c) Perez in view of Steinkamp**

The rejection of Claims 14 and 25 under 35 U.S.C. § 103(a) as being obvious over Perez in view of Steinkamp, U.S. Patent 3,862,265, is respectfully traversed. Claims 14 and 25 depend from independent Claims 1 and 19 respectively, and are patentable for at least the reasons discussed above and below. As discussed above, page 6 of the Office Action makes an unclear reference to Hughes.

Steinkamp does not overcome the gaps of Perez to arrive at Applicants' claimed invention. Steinkamp is cited for allegedly disclosing a polar monomer. Steinkamp actually discloses modified polymers.

For at least the above reasons, Hughes and Steinkamp, in combination, do not teach or suggest Applicants' claimed invention. Accordingly, this claim rejection should be withdrawn.

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**d) Perez**

The rejection of Claims 18-24 and 26-28 under 35 U.S.C. § 103(a) as being obvious over Perez, is respectfully traversed. As discussed above regarding Claim 1 and as recited in independent Claims 18, and 19, Perez does not teach or suggest the polyester can be polyethylene naphthalate, polyethylene isophthalate and combinations thereof. Likewise Claim 19 recites a range for the polyolefin of 0.2-0.5% by weight that is not taught or suggested by Perez. Claim 26 recites an intrinsic viscosity range that Perez does not teach or suggest.

For at least the above reasons, Perez does not teach or suggest Applicants' claimed invention. Accordingly, this claim rejection should be withdrawn.

**Conclusion**

For at least all the foregoing reasons, the claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

Respectfully submitted,



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